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In The High Court Of Judicature at Bilaspur, Chhattisgarh.

Writ Petition No.: 107 2001.

PRO BONO PUBLICO WRIT - PETITION UNDER ARTICLE
226/227 OF THE CONSTITUTION OF INDIA.

In The Matter Between :

PETITIONER

:

Chhattisgarh Manav Adhikar
Manch, Bilaspur, through its
Mahamantree - R.K. Pandey S/O
Late Sri R.R. Pandey, Aged 65 years
Lingiyahdiha, Tahsil & Distt.
Bilaspur, CHHATTISGARH.

F. R. No. 106/2001
Presented by Shri. K.D. Bajpai
dated 19.11.2001

VERSUS

RESPONDENTS

:

- Union Of India, through General
Manager, South Eastern Railway,
Garden Reach, Calcutta-43.
- (2) Divisional Railway Manager,
S.E. Rly., Bilaspur,
D.R.M.-Office, Rly. Settlement
Bilaspur, Chhattisgarh.
- (3) Sr. Divisional Engineer (Co-Ordn)
S.E. Rly. Bilaspur,
Sr. D.E.N.-Office, Rly.
Settlement, Bilaspur (C.G.)
- (4) Estate Officer, S.E. Rly,
Bilaspur, D.R.M.-Office
Bilaspur, (C.G.)

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V.D. Bajpai
Counselor
19-1-2001

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
6.2.2001	<u>Before:</u> Hon. Mr. Justice W.A. Shishak, CJ & Hon. Mr. Justice R.S. Garg, J. Shri V.D. Bajpai learned counsel for the petitioner. Shri Meghnath Banerjee learned counsel for the respondents on caveat. Heard on the question of admission. By this petition filed under Article 226/227 of the Constitution of India, the petitioner, claiming to be an association constituted for projecting the grievances of certain persons who are holding land under certain licence issued by the Union of India through Railway wants to say that illegal orders have been passed by the authorities under the provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The petitioner also wants that this Court should examine the virus of the provisions of the said Act. The petitioner by this petition further says that as its members have a right to enter into trade or earn their livelihood, this Court must interfere and set aside the orders requir- ing eviction of the members of the petitioner association. Undisputedly, notices under the provisions	

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मामला क्रमांक सन् 199

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	of the Act were issued to the members of the petitioner. The Estate Officer after giving due and proper opportunity to the parties ordered eviction of the members of the petitioner. The order was confirmed in appeal and thereafter the revisions filed by the members of the petitioner were dismissed by the High Court of Madhya Pradesh. One such order is annexed in the petition itself as Annexure-A/9, passed in Civil Revision No.467/2000 (<u>Gaya Prasad Gupta v. Union of India & others</u>). The questions sought to be raised before this Court were raised in the said civil revision and in paragraph 5 of the said judgment, the High Court appreciated the provisions of Section 3 of the Act and thereafter observed in favour of the respondents. In paragraph 6, the High Court held that the revision petition had no merits and deserved rejection. After considering all the pros and cons the High Court found that the order of eviction passed against the interest of the members of the petitioner were legal and were in accordance with law. The High Court further taking into consideration the occupants ^{were in possession} of more	

पीछे देखिये

आदेश पत्रक

मामला क्रमांक सन् 199

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	than two decades directed that they should not be thrown out without affording them some breathing time for making some alternative arrangement. The High Court granted time to those persons upto 31.1.2001 to vacate the premises. Shri Bajpai, learned counsel for the petitioner submits that this Court sitting in the Division Bench must re-examine the entire issue afresh and hold that the orders passed by the Estate Officer and confirmed in the revision petition are liable to be quashed. We are afraid, we cannot do that. Clause 10 of the Letters Patent provides for ^{an} intra Court appeal. An appeal against the order/judgment passed/delivered by an Honourable Single Judge would lie to a Division Bench of the same High Court if the order/judgment is covered under the provision of Clause 10 of the Letters Patent. An order passed in a civil revision cannot be challenged in an intra-Court appeal or a Letters Patent Appeal. Any interference by us at this stage would certainly amount to examining the correctness, validity and propriety of the order, passed by the Single Judge	

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आदेश पत्रक

मामला क्रमांक सन् 199

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	in those matters which otherwise have attained finality. We cannot upset what has already been settled by the High Court. It would not be out of place to mention that some of the occupants have even otherwise filed independent writ petitions in view of the directions given in paragraph 6 of the order passed in the civil revision. After giving our sincere and due consideration to the matter at hand, we are unable to hold that the matter deserves to be admitted. Accordingly, the petition is summarily dismissed. Sd/- Chief Justice	Sd/- R.S. Garg Judge

Nair/

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